

## **CITY COUNCIL MINUTES**

**July 25, 2011**

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, July 25, 2011 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President B.J. Watts presiding. The following business was conducted.

**These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.**

### **ROLL CALL:**

Present: M<sup>c</sup>Ginn, Mosby, Bredhold, Robinson, Friend, Adams, John, Walker, Watts.

Absent: Bredhold

There being eight (8) members present and one (1) member absent and (8) members representing a quorum, I hereby declare this session of the Common Council officially open.

### **PLEDGE OF ALLEGIANCE**

This evening the pledge of allegiance was led by Councilman M<sup>c</sup>Ginn.

Fellow Councilmen and those in the audience, welcome to the July 25, 2011 meeting of the Common Council.

### **COUNCIL ATTORNEY**

Jeff Shoulders is City Council Attorney this evening.

### **SERGEANT AT ARMS**

Officer Ray Holden is our Sergeant at Arms this evening.

### **READING AND AMENDMENT OF MINUTES**

Is there a motion to approve the minutes of the July 11, 2011 meeting of the Common Council as written?

Councilwoman Mosby moved and Councilman Friend seconded the motion to approve the minutes of the regular meeting of the Common Council held July 11, 2011. Voice vote. So ordered.

### **REPORTS AND COMMUNICATIONS**

#### **IN YOUR JULY 22<sup>nd</sup> PACKET:**

- \*City Council Agenda for July 25, 2011 meeting.
- \*Committee Meeting Schedule.
- \*City Council Meeting Minutes from the July 11, 2011.
- \*Ordinance G-2011-13.
- \*Resolution C-2011-18 and C-2011-20.
- \*Notice of Traveling City Hall Meeting.
- \*A letter from Ed Ziemer to City Council regarding Fickas Road Citizen Concerns.
- \*News releases: Energy Savings Performance Contracts to save city \$80,085 per Year.
- \* Oak Hill Road Reconstruction Complete: Roadway Open to Traffic.
- \* Vanderburgh County Criminal Justice Planning commission.

**ON YOUR DESK THIS EVENING:**

\*News Release: Parents Should Check Playground Equipment Surfaces to Prevent Burns.

Councilman John moved and Councilwoman Robinson seconded the motion to receive, file and make these reports and communications a part of the minutes of the meeting. Voice vote. So ordered.

**CONSENT AGENDA**

**FIRST READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE G-2011-13                      PUBLIC WORKS                      MOSBY**

An Ordinance to vacate certain public right-of-way within the city of Evansville, Indiana, commonly known as a twelve-foot alley on and along the north line of Lots One and Two in Block Three of Northern Enlargement in the City of Evansville, going east for a distance of fifty-seven feet, six inches (57'6") in length.

**RESOLUTION C-2011-20                      FINANCE                      FRIEND**

A Resolution of the Common Council of the City of Evansville amending Resolution C-2009-4 (American General Finance)

Councilwoman Robinson moved and Councilwoman Mosby seconded the motion to adopt the consent agenda as written. Voice vote. So ordered.

**CONSENT AGENDA**

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

**RESOLUTION C-2011-19                      FINANCE                      FRIEND**

A Resolution of the Common Council of the City of Evansville amending Resolution C-2008-31 and Resolution C-2008-36 (Mead Johnson)

**COMMITTEE REPORTS:**

**FINANCE COMMITTEE**

**CHAIRMAN FRIEND**

**Councilman Friend:** Mr. President, your Finance Committee met this evening to hear Resolution C-2011-19 and it comes forward with a do pass recommendation.

Councilman John moved and Councilman Friend seconded the motion to adopt the committee report and move this Resolution to Third Reading.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

**RESOLUTION C-2011-19                      FINANCE                      FRIEND**

A Resolution of the Common Council of the City of Evansville amending Resolution C-2008-31 and Resolution C-2008-36 (Mead Johnson)

Councilman Friend moved and Councilman Adams seconded the motion to adopt Resolution C-2011-19 and call the roll.

**ROLL CALL:**

**Ayes:** M<sup>e</sup>Ginn, Mosby, Robinson, Friend, Adams, John, Walker and Watts.

**Absent:** Bredhold

There being eight (8) ayes and zero (0) nays, Resolution C-2011-19 is hereby declared adopted.

**RESOLUTION DOCKET**

**RESOLUTION C-2011-18 (Docket)**

**COUNCIL AS A WHOLE**

A Resolution approving an agreement between the City and County regarding the 2011 Byrne Justice Assistance Grant (JAG) Program Award (Local)

**William Woods:** Good evening I'm William Woods with the Evansville Police Department. The JAG grant is a grant that we apply for every year. The Federal Government puts us in what's known as a disparate jurisdiction and they decide the division of the monies involved between the city and the county. This year was a bit different. They have reduced the money. This year they decided that the Sherriff's Department wouldn't get any money and the Evansville Police Department would receive the entire amount. The Sheriff objected to that as you might imagine and there has been discussion between Chief and the Sheriff as to how the money should be divided and they came to an agreement that the Sheriff's department would get 20% of that funding which is greater than they have received in the past. It has been about 11% every year up until this time. So, twenty percent of the money, I think you have the figures in front of you, twenty percent of the money will go to the Sheriff's Department. The Sheriff has indicated to me that that money would be spent on personal body worn cameras and the Chief has said that temporarily we are going to put all of the money for the Evansville Police Department in the overtime fund. Anyone have any questions at this time?

**President Watts:** Any questions by members of council? Seeing none, does anyone in the audience like to speak either for or against it?

Is there a motion to adopt Resolution C-2011-18?

Councilman John moved and Councilwoman Mosby seconded the motion to adopt Resolution C-2011-18. Voice. Vote. So Ordered.

**MISCELLANEOUS BUSINESS**

There will not be a City Council meeting on Monday, August 1, 2011. The next City Council meeting will be Monday, August 8 at 5:30 p.m. Committee Meetings will begin at 5:20 p.m.

**Dona Bergman, EPA:**

**Dona Bergman:** Good evening, I'm Dona Bergman, the City of Evansville's Director of Sustainability Energy and Environmental Quality. I'm here today to ask for your approval for two energy savings performance contracts as required by IC 36-1-12.5 which requires the governing body to approve of such contracts. The one contract is for the Evansville Fire Department. It will include installation of energy efficient lightning, energy star appliance, installation window repairs and replacement, door repairs and replacements. Each BAC system upgrades and control upgrades and control upgrades with ceiling fans. Each of these improvements will vary building to building but depending what each building needs. The total cost of the improvements will be \$651,200 out of which the energy efficiency and conservation block grant through the US Department of Energy will fund \$330,000 of those improvements and will receive small rebates from Vectren Corporation. The energy savings \$358,890 a year,

an operational savings which results from things like not having to replace light bulbs or not having to make service calls on equipment because it's newer and more dependable. Our \$88,500, this is guaranteed for a total savings of \$447,390 over the course of the fifteen year contract or \$29,826 dollars a year. The financing will be through the Evansville Bond Bank at 1.5% per annum. The Fire Department's annual re-payments to the Bond Bank will be \$23,937. This results in a net positive budget impact to the Fire Department of \$5,889 a year. The second contract is for the Department of Transportation and Services. That will include energy efficient lighting and replacement of the cooling systems and air handle's at the City street garage and office building and a new natural gas furnace at the animal shelter. The total cost of those improvements will be \$172,130. Seventy thousand of energy efficiency and conservation block grant funds will be used providing some rebates. The remaining \$101,930 will be funded by Transportation and Services through guaranteed contracts a total savings of \$129,015 or \$8,601.00 per year. The financing again will be paid by the Bond Bank at 1.5% per annum and your repayments to the Bond Bank will be \$7,639 per year resulting in a net positive impact to Transportation and Services of \$962.00 per year. I have sent the Clerk copies of the contracts which were reviewed and approved by David Jones and also by the Bond Bank Attorney, Mr. Mark Moore. Both of these contracts have been approved by the Board of Public Works. I ask for your consideration and approval of these contracts so we can move forward on improving the buildings.

**Councilman Adams:** Is there any contract guarantee that this kind of savings will be delivered? The reason that I asked is that we have a similar contract with Siemens out at the airport and There was a guarantee that if the savings did not appear that they would make up the difference And, I apologize. I wasn't able to send that information that you sent us.

**Dona Bergman:** I apologize for that, but you are correct these are guaranteed energy savings so If the Energy Systems Group guarantees that we will save ten dollars a year and we only save nine dollars a year, they will write us a check for a dollar.

**Councilman Adams:** Wonderful, thank you very much.

**President Watts:** I know how hard you have worked on this and ESG. A job very well done.

**Dona Bergman:** That's great to hear, thank you.

**President Watts:** You are stretching dollars and saving money.

**Dona Bergman:** We are going to try. We can use the Energy Efficiency and Conservation Block Grant Funds. You will be hearing from me again for a large project for the Parks Department. We don't have that quite ready yet. Although I'm not allowed to use the Stimulus Funds, we are also going to be looking at the swimming pools and the Zoo. I hope to keep very busy trying to figure out how to save the city money.

**President Watts:** I hope that is the case. You have been very successful so far, so continue. Any other questions or comments? The approval of contracts, do we do a vote on that or are you just presenting it?

**Dona Bergman:** I'm just asking you to approve. I guess you are not approving the contracts, that has already been done. I guess you are just consenting to us entering into these contracts

with the Energy System Group and the Bond Bank.

**President Watts:** Do we have a motion to move for EPA to move forward with this contract?

Councilman Friend moves and Councilwoman Mosby seconds the motion to move forward with this contract.

**ROLL CALL:**

**Ayes:** McGinn, Mosby, Robinson, Friend, Adams, John, Walker and Watts.

**Absent:** Bredhold

There being eight (8) ayes and zero (0) nays, is hereby declared adopted.

**President Watts:** Does anyone have anything on Miscellaneous Business?

**Councilman McGinn:** I would like to talk about something at the moment. We all realize that we have significant problems in this town with methamphetamine addiction. Fires, explosives, addiction, etc. We have had a firefighter injured. Six or seven fires this year. I don't know about you guys, but I felt really bad when I opened up the paper the other day and saw that family burned out of their house for the second time in three years because their neighbor's meth lab blew up. I have started to do some research and this may be controversial but it may not be. It appears from research that I've done and maybe we need to get a pharmacist involved somewhere along the line but pseudo epinephrine, the tablet form is the only form of over the counter cold medication that can be used to manufacture methamphetamine. The same dosage, the same medication as in gel caps, as in liquid and as in liquid filled caps. There are three different things that are available. Again, you know several hours of research and I am not a pharmacologist, but the only difference that some people think is that tablets are slower releasing and so it may have a longer effect because it doesn't get into their system as fast for cold medications. With that said, there have been, I think it's up to five cities and towns just in the state of Oklahoma alone that I have looked for, they have passed the city limits. They have made it illegal to sell cold medication in any form except the gel caps and the liquid and the liquid filled caps. They have made it \$500.00 fine to sell the powdered cold tablets that contain methamphetamine and again Jeff, I don't want to lay this on you, John is out of town. It has always been my understanding that Cities and Towns are allowed to make laws, ordinances that are different than the state statutes as long as they don't reduce the penalties or the severity of the ethnicity of the state statute. You can make one tougher and our state legislator has been pounding this around back and forth. I found a web site in Oklahoma, they have proposed ordinance. This is very simple. They also have a proviso that if you really want the powdered kind you can get a prescription. The prescriptions are good for six months and you have to renew them every six months and you have to have...you can get no more than five refills. Again, preliminary research has shown that on the state levels, Washington State and I think Oregon State have made the sale of meth ingredients in cold medication with meth ingredients and prescription only and their meth labs, one story I read and I'll have to find out if it's true or not. Again, preliminary research has shown that on the state levels we showed a ninety percent decrease in meth labs. People who have allergies and that type of thing, we are not depriving them of their medication, we are just restricting the form that it can be and so, I'll talk to John but I want to propose an ordinance, I want us to think about it. As a result of this there may be some people talking about it. I think we need to be pro-active on this. That story tore me apart. I almost did this when the firefighter was hurt. The amount of money that we spend on meth labs is unbelievable. We can get Eric Williams in here and Chief of Police in here and tell us

what it is. The amount of money for detoxing their Hazmat material is unbelievable. The argument is going to be "well gee, they will just go to Warrick County." Well, you know if we pass it maybe we can get Warrick County Commissioners to pass the same thing. I'm going to propose an ordinance, I'd like for all of you to think about it, talk to people and let me know what you think.

**President Watts:** My brother actually has his PHD in Pharmaceutical Science. He has worked for the FDA for twelve years in a pharmaceutical program. Maybe he can give us a breakdown of the differences.

**Councilman McGinn:** Do some research, see what Lexington and the State of Oregon have done.

**President Watts:** But, if I get you this contact stuff can you send him the questions that you asked?

**Councilman McGinn:** Absolutely.

**Councilman Adams:** Certainly any of us have seen pictures of people who use methamphetamine. It is absolutely credibly wasting disease and I'm sure Michelle you have seen the same thing. I think any way we can break that line of production locally, I think it will spread all over the state when it becomes quite obvious what a good deal it is.

**President Watts:** We have an e-mail from Sherriff Williams. We have an appointment to the Vanderburgh County Criminal Justice Planning Commission. It is one City Council Member. It says here it should be someone that can attend the quarterly meeting, has interest in local, criminal justice system.

**President Watts:** Can I have a motion that Councilman Adams be appointed to the Vanderburgh County Criminal Justice Planning Commission?

Councilwoman Robinson moved and Councilman McGinn seconds the motion. All those in favor of appointing Councilman Adams to the Vanderburgh County Criminal Justice Planning Commission say aye. Opposed? None.

**President Watts:** Anyone in the audience have anything under Miscellaneous Business?

**Don Mosby:** I seen you adding on the agenda something about Mr. Ziemer. These people talk Mr. Ziemer. Another thing, you people got all of them pictures (inaudible) sent a check in and he sent the check back on February 7, 2011. Out there in them ditches another guy got ran off the other day and you guys got to know what I got. This thing where they got all the money for safety, that's the safety roads are the sidewalks. I want to know if we are going to get any help.

**Councilman McGinn:** Mr. Mosby, we received a letter, it's in our packet, and I can't find mine right now but there has been a study done by the Transportation and Services. The cost to do that is \$365,000. I think that the way things are prioritized now and other problems. The traffic studies have shown that it is called a low volume and they have Transportation and Services and the City Engineer have decided that they are not going to spend \$365,000 for that one. The way that I read in between the lines, it's like everything else. If there is sufficient funding once they

get other priorities, more difficult, more severe problems taken care of they may consider it. But that determination has been made by the Department of Transportation and Services.

**Don Mosby:** These people getting hurt, it's safety wise. I ain't got nothing against fixing the sidewalks and stuff. I've been here since 1963 on Fickas Road. We posted a city park out there, we ain't got nothing. These people ain't got no place to walk.

**Councilman Adams:** Mr. Mosby, I got this letter today and what it said was that this was a less traveled local street, therefore it did not merit the repair from South Green River to Vann. I understood that it was going to cost \$365,000 dollars. I sent an e-mail to both Pat Keepes and Ed Ziemer today saying that I agreed with them, I didn't think the whole stretch between South Green River Road and Vann had to be done. But, something had to be done about the fifty or one hundred yards immediately east of where Vann hits Fickas because there is no shoulder there. When someone went off that area and they are going to because there is virtually no shoulder and it is four or five feet deep. They are going to hit a cement abutment of that new driveway. I suggested that this is an accident waiting to happen. I was sending them an e-mail because I did not want to be responsible if and when a suit occurred on the city. I was trying to cover my ass. I am hoping that they will re-look at the situation and at least take care of the worst parts of that. I agree with you. I went by there this week and there is already a dent in the safety sign. So, someone is trying hard to get off of that road into it. I have no control over what Pat Keepes says or what Ed Ziemer says, I just know that this is something that is waiting to happen.

**Councilwoman Mosby:** Councilman Adams, they can't fix just part of it. If they fix part of it they will flood out their neighbors.

**Councilman Adams:** I disagree, they have got to do something about that hole. I know what you are saying, there has to be gradient to have the whole thing go through. I think they should just buy some sand fill it up and let the water go across to the other side of the street.

**Don Mosby:** But what I was saying, this man sent the money for tile and it wasn't costing a penny but put a little dirt on it, then you go down to Vann. I got lost. On Vann they put four tiles about that too! They filled a hole with rock for a church. They didn't pay. That shows that you guys don't worry about us people. Also, all them people come from Weinbach down to Rheinhardt to Fickas Road. They use it to go to I-64 and back to the shopping center. We never did see anybody out there checking anything. That's all I got to say.

**President Watts:** Anyone else have anything under Miscellaneous Business? Yes Sir? Come to the mic please.

**Russell McCleod:** My name is Russell McCleod and I live at 4401 Fickas Rd. in Evansville. I have lived there since 1958. This road is dangerous. My wife broke her hip out there trying to keep from getting hit by an automobile. You people are going to have to do something about that street. They got more than one ditch, Doc. Right across the street from me is another one just exactly what you are talking about on this end. On the west end. There is one right across the street. You get to the edge of the pavement and you're in a ditch. It's time somebody does something. There has already been one killed out there. My wife got her hip broke on it. Somebody is going to get killed on that road.

**President Watts:** Sir, would you give us your name again please?

**Russell McCleod:** I live at 4401 Fickas Road.

**Donald E Myers, Sr.** I live at 3217 Fickas Road. On that ditch out there, I've got a four foot ditch out there and it's really hard for me to even take a weed eater out there. My health is not that good anymore. I almost fell in that ditch while I was weed-eating. Another thing, you said that that is not a well traveled road. I happen to disagree with all of you. It is heavily traveled. You've got trucks going up there, you've got buses coming down through there and you have all of the traffic coming down there to I-64. It is heavy. If you go down Fickas Road, there is not that many ditches, it shouldn't be that big of a problem. Ed Ziemer quoted me a price and I sent him a check and he sent it back to me. The City Engineer sent another engineer out there, I guess he was an apprentice, Pat Keepes, the City Engineer. He went out there and he said that twelve inch culvert would be sufficient for my property. It would drain the water off. That has been over a year and a half ago and I haven't heard nothing from nobody. I talked to Dr. Adams a few months ago, but the rest of them they just seem like we got a big problem just like you got a red light or a stop sign. Before you put a red light or a stop sign up there, we have to count how many gets killed at that intersection before you put one up. We have an accident waiting to happen out there and I hope it's not any kids. I really do. I appreciate all you can do for us, only thing that I can do is call your attention to it. I appreciate your time, thank you very much.

**President Watts:** Anything else under Miscellaneous Business? Seeing none, committee reports.

**ASD Chairwoman Robinson:** Nothing at this time.

**Public Works Committee Chairwoman Mosby:** Mr. President your Public Works Committee will meet on August 22 at 5:20 pm regarding Ordinance G-2011-13.

**Finance Committee Chairman Friend:** Mr. President your Finance Committee will have a meeting on August 8, 2011. At 5:20 there is Resolution C-2011-20. On August 3<sup>rd</sup> we will have the City-County Joint Budget Hearings that starts at 3:30 in this room. On August 22,23,24 in this room we will have the City Budget Hearings.

**COMMITTEE REPORTS:**

**FINANCE COMMITTEE:**

Re: Resolution C-2011-20  
Date: August 8, 2011  
Time: 5:20 p.m.  
Notify: Donna Crooks (GAGE)

**CHAIRMAN FRIEND**

Amending Resolution C-2009-4  
Tax Phase-In for American General  
Finance

**PUBLIC WORKS COMMITTEE:**

Re: Ordinance G-2011-13  
Date: August 22, 2011  
Time: 5:20 p.m.  
Notify: Herbert G. Hatt

**CHAIRWOMAN MOSBY**

A petition to vacate 12 feet of  
an alley located at 121 W. Indiana St.

**Joint City/County Budget Hearings**

Date: August 3, 2011



Time: 3:30 p.m.  
Place: Room 301 Civic Center

**City Budget Hearings**

Date: August 22<sup>nd</sup> 23<sup>rd</sup> and 24<sup>th</sup> 2011

Time: 3:30 p.m.

Place: Room 301 Civic Center

**Re: CDBG/ESG/HOME**

Date: September 7, 2011

Time: 4:00 – 6:00 p.m.

Notify: DMD

Public Hearing for Agencies

Room 301 (Wednesday)

**Re: CDBG/ESG/HOME**

Date: September 26, 2011

Time: 5:20 p.m.

Committee Meeting and 2<sup>nd</sup> and 3<sup>rd</sup> Reading

**ASD COMMITTEE:**

Nothing at this time.

**CHAIRWOMAN ROBINSON**

**PUBLIC WORKS COMMITTEE:**

Nothing at this time.

**CHAIRWOMAN MOSBY**

**ADJOURNMENT**

Councilwoman Mosby moved and Councilwoman Robinson seconded the motion to adjourn.  
Voice vote. So ordered. Meeting adjourned at 6:05 p.m.

  
President Watts

  
Alberta Matlock, City Clerk

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**RECOGNITION OF SCHOOLS**

**READING AND AMENDMENT OF MINUTES**

**REPORTS AND COMMUNICATIONS**

**CONSENT AGENDA**

**FIRST READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE G-2011-13                      PUBLIC WORKS                      MOSBY**

An Ordinance to vacate certain public right-of-way within the city of Evansville, Indiana, commonly known as a twelve-foot alley on and along the north line of Lots One and Two in Block Three of Northern Enlargement in the City of Evansville, going east for a distance of fifty-seven feet, six inches (57'6") in length.

**RESOLUTION C-2011-20                      FINANCE                      FRIEND**

A Resolution of the Common Council of the City of Evansville amending Resolution C-2009-4 (American General Finance)

**REGULAR AGENDA**

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

**RESOLUTION C-2011-19                      FINANCE                      FRIEND**

A Resolution of the Common Council of the City of Evansville amending Resolution C-2008-31 and Resolution C-2008-36 (Mead Johnson)

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

**RESOLUTION C-2011-19                      FINANCE                      FRIEND**

A Resolution of the Common Council of the City of Evansville amending Resolution C-2008-31 and Resolution C-2008-36 (Mead Johnson)

**RESOLUTION DOCKET**

**RESOLUTION C-2011-18 (Docket)                      COUNCIL AS A WHOLE**

A Resolution approving an agreement between the City and County regarding the 2011 Byrne Justice Assistance Grant (JAG) Program Award (Local)

**MISCELLANEOUS BUSINESS**

There will not be a City Council Meeting on Monday, August 1, 2011. The next City Council meeting will be Monday, August 8, 2011 at 5:30 p.m. Committee Meetings will begin at 5:20 p.m.

**ADJOURNMENT**

The Honorable Council of the City of Evansville is hereby called to order. Madam Clerk, please call the roll.

**ROLL CALL**

<input checked="" type="checkbox"/> M <sup>c</sup> GINN	<input checked="" type="checkbox"/> ROBINSON	<input checked="" type="checkbox"/> JOHN
<input checked="" type="checkbox"/> MOSBY	<input checked="" type="checkbox"/> FRIEND	<input checked="" type="checkbox"/> WALKER
<input checked="" type="checkbox"/> BREHOLD	<input checked="" type="checkbox"/> ADAMS	<input checked="" type="checkbox"/> WATTS

There being 8 members present, 1 members absent, and 8 members representing a quorum, I hereby declare this session of Common Council officially opened.

**PLEDGE OF ALLEGIANCE**

This evening the pledge of allegiance will be led by M<sup>c</sup>GINN.

Fellow Councilmen and those in the audience, welcome to the July 25, 2011 meeting of the Common Council.

**RECOGNITION OF SCHOOLS**

Are there any students in the audience who would like to be recognized?

SCHOOL: \_\_\_\_\_  
NAME: \_\_\_\_\_

SCHOOL: \_\_\_\_\_  
NAME: \_\_\_\_\_

**COUNCIL ATTORNEY**

This evening ~~John Hamilton~~ Jeff ~~Sh~~ Shoulders is City Council Attorney.

**SERGEANT AT ARMS**

This evening Officer Ray Holden is our Sergeant at Arms.

**READING AND AMENDMENT OF MINUTES OF PRECEDING MEETING**

Is there a motion to approve the minutes of the July 11, 2011 meeting of the Common Council as written?

Councilman Mosby moved and Councilman Friend seconded the motion that the minutes of the regular meeting of the Common Council held July 11, 2011 be approved as written. Voice vote. So ordered.

**REPORTS AND COMMUNICATIONS**

**IN YOUR JULY 22<sup>nd</sup> PACKET:**

- \*City Council Agenda for July 25, 2011 meeting.
- \*Committee Meeting Schedule.
- \*City Council Meeting Minutes from the July 11, 2011.
- \*Ordinance G-2011-13.
- \*Resolution C-2011-18 and C-2011-20.
- \*Notice of Traveling City Hall Meeting.
- \*A letter from Ed Ziemer to City Council regarding Fickas Road Citizen Concerns.
- \*News releases: Energy Savings Performance Contracts to Save city \$80,085 per Year.  
Oak Hill Road Reconstruction Complete: Roadway Open to Traffic.  
\*Vanderburgh County Criminal Justice Planning commission.

**ON YOUR DESK THIS EVENING:**

- \*News Release: Parents Should Check Playground Equipment Surfaces to Prevent Burns.

Councilman John moved and Councilman Robinson  
seconded the motion to receive, file and make these reports and communications a part of  
the minutes of the meeting. Voice vote. \_\_\_\_ So ordered. \_\_\_\_

**CONSENT AGENDA**

**FIRST READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE G-2011-13**

**PUBLIC WORKS**

**MOSBY**

An Ordinance to vacate certain public right-of-way within the city of Evansville, Indiana, commonly known as a twelve-foot alley on and along the north line of Lots One and Two in Block Three of Northern Enlargement in the City of Evansville, going east for a distance of fifty-seven feet, six inches (57'6") in length.

**RESOLUTION C-2011-20**

**FINANCE**

**FRIEND**

A Resolution of the Common Council of the City of Evansville amending Resolution C-2009-4 (American General Finance)

Is there a motion to adopt the Consent Agenda as written?

Councilman Robinson moved and Councilman Mosby seconded the

Motion to adopt the Consent Agenda as written. Voice vote.        So ordered.        ✓

**CONSENT AGENDA**

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

**RESOLUTION C-2011-19**

**FINANCE**

**FRIEND**

A Resolution of the Common Council of the City of Evansville amending Resolution C-2008-31 and Resolution C-2008-36 (Mead Johnson)

**COMMITTEE REPORTS:**

**FINANCE COMMITTEE**

**CHAIRMAN FRIEND**

**Councilman Friend:** Mr. President, your Finance Committee met this evening to hear Resolution C-2011-19 and it comes forward with a (do pass/do not pass) recommendation

*Friend*

Councilman John moved and Councilman Friend seconded the motion to adopt the Committee Report and move this Resolution to Third Reading.

Voice vote. ✓ So ordered. ✓

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

**RESOLUTION C-2011-19**

**FINANCE**

**FRIEND**

A Resolution of the Common Council of the City of Evansville amending Resolution C-2008-31 and Resolution C-2008-36 (Mead Johnson)

Is there a motion to adopt Resolution C-2011-19- and call the roll?

Councilman Friend moved and Councilman Adams seconded the motion to adopt Resolution C-2011-19 and call the roll.

**ROLL CALL**

✓ M<sup>c</sup>GINN

✓ ROBINSON

✓ JOHN

✓ MOSBY

✓ FRIEND

✓ WALKER

A BREHOLD

✓ ADAMS

✓ WATTS

There being 8 Ayes and 0 Nays, Resolution C-2011-19 is hereby declared  
ADOPTED/~~DECLARED~~

**RESOLUTION DOCKET**

**RESOLUTION C-2011-18 (Docket)**

**COUNCIL AS A WHOLE**

A Resolution approving an agreement between the City and County regarding the 2011 Byrne Justice Assistance Grant (JAG) Program Award (Local)

**DISCUSSION:**

William Woods  
Watts

Is there a motion to adopt Resolution C-2011-18?

Councilman John moved and Councilman Mosby seconded the motion to adopt Resolution C-2011-18. Voice vote.      So ordered.     

**OR CALL THE ROLL**

**ROLL CALL**

<u>✓</u> M <sup>c</sup> GINN	<u>✓</u> ROBINSON	<u>✓</u> JOHN
<u>✓</u> MOSBY	<u>✓</u> FRIEND	<u>✓</u> WALKER
<u>A</u> BREHOLD	<u>✓</u> ADAMS	<u>✓</u> WATTS

There being 8 Ayes and 0 Nays, Resolution C-2011-18 is hereby declared  
~~ADOPTED/DENIED.~~



MISCELLANEOUS BUSINESS

There will not be a City Council Meeting on Monday, August 1, 2011. The next City Council meeting will be Monday, August 8, 2011 at 5:30 p.m. Committee Meetings will begin at 5:20 p.m.

DONA BERGMAN: EPA (Approval of Contracts)

Dona Bergman

Watts

Adams

Bergman

Watts

Bergman

Watts

Bergman

Watts

Friend moves seconded Mosby

8 ayes + zero nays

McGinn

Watts

McGinn

Watts

Adams

Watts

McGinn

Adams

Robinson moved McGinn seconded

Don Mosby

McGinn

Don Mosby

Adams

Missy Mosby

Adams

Don Mosby

Watts

Russell McLeod

Donald Myers, Sr.

**COMMITTEE REPORTS:**

**ASD COMMITTEE:**

Nothing scheduled at this time.

**CHAIRWOMAN ROBINSON**

**PUBLIC WORKS COMMITTEE:**

Re: Ordinance G-2011-13

Date: August 22, 2011

Time: 5:20 p.m.

Notify: Herbert G. Hatt

**CHAIRWOMAN MOSBY**

A petition to vacate 12 feet of  
an alley located at 121 W. Indiana St.

**FINANCE COMMITTEE:**

Re: Resolution C-2011-20

Date: August 8, 2011

Time: 5:20 p.m.

Notify: Donna Crooks (GAGE)

**CHAIRMAN FRIEND**

Amending Resolution C-2009-4  
Tax Phase-In for American General  
Finance

City/County Joint Budget Hearing

August 3, 2011

Room 301

Time: 3:30 p.m.

City Budget Hearings:

August 22, 23, 24, 2011

Room 301

Time: 3:30 p.m.

**ADJOURNMENT**

Councilman Mosby moved and Councilman Robinson

seconded the motion to adjourn. Voice Vote. — So Ordered. —

Meeting adjourned at 6:05 p.m.

# **CITY COUNCIL COMMITTEE MEETING SCHEDULE**

## **July 25, 2011**

### **FINANCE COMMITTEE:**

Re: Resolution C-2011-19

Date: July 25, 2011

Time: 5:20 p.m.

Notify: Donna Crooks (GAGE)

### **CHAIRMAN FRIEND.**

Amending Mead Johnson Tax

Phase-in Resolutions C-2008-31

and C-2008-36.

## **August 3, 2011**

Joint City/County Budget Hearings

Date: August 3, 2011

Time: 3:30 p.m.

Place: Room 301 Civic Center

## **August 8, 2011**

### **FINANCE COMMITTEE:**

Re: Resolution C-2011-20

Date: August 8, 2011

Time: 5:20 p.m.

Notify: Donna Crooks (GAGE)

### **CHAIRMAN FRIEND**

Amending Resolution C-2009-4

Tax Phase-In for American General

Finance

## **August 22, 2011**

### **PUBLIC WORKS COMMITTEE:**

Re: Ordinance G-2011-13

Date: August 22, 2011

Time: 5:20 p.m.

Notify: Herbert G. Hatt

### **CHAIRWOMAN MOSBY**

A petition to vacate 12 feet of

an alley located at 121 W. Indiana St.

## **August 22, 23, 24, 2011**

City Budget Hearings

Date: August 22<sup>nd</sup>, 23<sup>rd</sup>, and 24<sup>th</sup>, 2011

Time: 3:30 p.m.

Place: Room 301 Civic Center

.....  
**September 7, 2011**  
.....

**FINANCE COMMITTEE:**

Re: CDBG/ESG/HOME

Date: September 7, 2011

Time: 4:00 – 6:00 p.m.

Notify: DMD

**CHAIRMAN FRIEND**

Public Hearing for Agencies

Room 301 (Wednesday)

.....  
**September 26, 2011**  
.....

Re: CDBG/ESG/HOME

Date: September 26, 2011

Time: 5:20 p.m.

Notify: DMD

Committee Meeting and 2<sup>nd</sup> and 3<sup>rd</sup> Reading

## **Matlock, Alberta**

---

**From:** Williams, Eric [ewilliams@vanderburghsheriff.com]  
**Sent:** Thursday, July 21, 2011 9:42 AM  
**To:** B. J. Watts; Matlock, Alberta  
**Subject:** RE: CJPC

I have attached the ordinance.

It should be someone that can attend the quarterly meetings and has interest in the local criminal justice system.

### **Chapter 2.37 VANDERBURGH COUNTY CRIMINAL JUSTICE PLANNING COMMISSION**

#### **Sections:**

- 2.37.010 Mission statement.
- 2.37.020 Membership.
- 2.37.030 Meetings and Officers.

#### **2.37.010 Mission statement.**

The mission of the Criminal Justice Planning Commission is to provide the community with an efficient, effective and responsive criminal justice system through cooperation and information sharing among the stakeholders in the system and by providing proactive recommendations to effect needed change.  
(2.36.010 Added 11/20/2007)

#### **2.37.020 Membership.**

The Commission shall be comprised of sixteen (16) members, as follows:

- A. Vanderburgh County Commissioner
- B. Vanderburgh County Councilperson
- C. Vanderburgh County Councilperson
- D. Vanderburgh County Sheriff
- E. Vanderburgh County Prosecutor
- F. Vanderburgh County Clerk of the Circuit Court
- G. Vanderburgh County Superior Court Chief Judge
- H. Vanderburgh County Superior Court Juvenile Judge
- I. Vanderburgh County Circuit Court Judge
- J. Vanderburgh County Chief Public Defender
- K. Mayor, City of Evansville
- L. Police Chief, City of Evansville
- M. City Council Member, City of Evansville
- N. Vanderburgh County Chief Probation Officer
- O. Vanderburgh County Legal Aide Society, Director
- P. Evansville Defense Bar Association, President

All members will serve without compensation and their respective terms of service shall be coterminous with their respective terms of office or the terms of office of those for whom they are proxies.

Each member of the Commission may designate a proxy to serve in his or her place on the Commission, provided that such designation is in writing and delivered to the Chairman of the Commission and such designated proxy will regularly attend meetings of the Commission on behalf of the designating member.

### 2.37.030 Meetings and Officers.

A. The Commission shall meet at least six (6) times in each calendar year. The date, time and frequency of meetings shall be determined by the Chairperson. The first meeting of the Commission shall be held in January of 2008, and at that meeting, the Commission shall set a definite date for regular meetings of the Commission throughout the calendar year 2008. Thereafter, at each January meeting of the Commission, it shall set definite dates for meetings for the year in which that January meeting occurs. The meetings of the Commission are subject to the Indiana Public Meetings Open Door Policy (IC 5-14-1.5).

B. The meeting of the Commission in January 2008 and the January meeting of the Commission in each calendar year thereafter shall be the annual meeting. At that meeting, a Chairman, Vice Chairman, and Secretary of the Commission will be elected by a majority vote of the Commission members attending such meeting if at least a quorum of such members is present. Officers elected at the annual meeting in January 2008 shall serve through the end of the year 2008, and thereafter such officers shall serve for terms of one (1) calendar year or until a replacement is duly elected.

C. The quorum for all meetings of the Commission is initially set at nine (9) members. At any meeting of the Commission, the members of the Commission may vote to increase, but may not decrease, the quorum number. A majority vote of members of the Commission present at any meeting of the Commission for which a quorum of members is present shall be required to approve any recommendation upon which a vote is being taken.

D. The Chairman will chair the meetings of the Commission and sign all official documents of the Commission.

E. The Vice Chairman will fulfill the duties of the Chairman in the absence of the Chairman.

F. The Secretary of the Commission will cooperate with the Chairman in creating and distributing an agenda for each meeting of the Commission and will record the minutes of each such meeting for presentation for approval at the next subsequent meeting of the Commission.

(2.37.030 Added 11/20/2007)



## Sheriff Eric Williams

Vanderburgh County Sheriff's Office

3500 N Harlan Ave  
Evansville IN 47711

ewilliams@vanderburghsheriff.com  
sherifferricwilliams@gmail.com

Anytime: 812-250-9127  
Office: 812-421-6203  
Cell: 812-319-6062  
FAX: 812-421-6389



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From: B. J. Watts [mailto:bjwatts@fwnadvisors.com]

Sent: Thursday, July 21, 2011 9:28 AM

**To:** 'Matlock, Alberta'  
**Cc:** Williams, Eric  
**Subject:** RE: CJPC

One more question, what qualifications should the appointment have. . .

---

**From:** Matlock, Alberta [mailto:AMatlock@evansvillegov.org]  
**Sent:** Thursday, July 21, 2011 9:10 AM  
**To:** bjwatts@fwnadvisors.com  
**Subject:** FW: CJPC

---

**From:** Williams, Eric [mailto:ewilliams@vanderburghsheriff.com]  
**Sent:** Thursday, July 21, 2011 7:02 AM  
**To:** Matlock, Alberta  
**Cc:** Watts, BJ  
**Subject:** CJPC

Do you know off hand who is the official representative to the Criminal Justice Planning Commission from the City Council?

Thanks!



## **Sheriff Eric Williams**

**Vanderburgh County Sheriff's Office**

**3500 N Harlan Ave  
Evansville IN 47711**

**ewilliams@vanderburghsheriff.com  
sheriffericwilliams@gmail.com**

**Anytime: 812-250-9127**

**Office: 812-421-6203**

**Cell: 812-319-6062**

**FAX: 812-421-6389**



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**CITY OF EVANSVILLE**  
**Department of Transportation & Services**  
**CIVIC CENTER COMPLEX ROOM 321**  
**1 N.W. MARTIN LUTHER KING, JR. BLVD.**  
**EVANSVILLE, IN 47708**

Phone (812) 436-4988 Hearing Impaired (812) 436-4925 Fax 436-4981

**JONATHAN WEINZAPFEL**  
Mayor

**EDWARD ZIEMER**  
Executive Director

July 13, 2011

Re: Fickas Road Citizen Concerns Expressed on July 11, 2011

Dear Honorable Members of the Evansville City Council:

It has been brought to our attention that citizen concerns over certain conditions along Fickas Road between S. Green River Road and Vann Avenue were voiced at the meeting of the Evansville City Council on July 11, 2011. While neither of us was present at that meeting, it is our understanding that the nature of these concerns has to do with the open drainage channels along this road.

We have both visited this area on several occasions in the past and have spent a significant amount of time meeting and talking with different individuals who share this concern. An estimate to address the apparent concern was also prepared and it was determined that the cost to enclose these roadside open channels would be approximately \$365,000.00.


In transportation terminology, streets are functionally classified as "freeway," "principal arterial," "minor arterial," "collector," or "local." "Local" streets are those with the lowest level of mobility with little or no service to through traffic. Fickas Road is a low-volume, "local" street with a posted speed limit of 30 miles per hour. Based on the most recent available traffic counts, the average annual daily traffic along the most-travelled segment of Fickas Road (between S. Green River Road and Vann Avenue) is 912 vehicles per day. To put that in a bit of perspective, the streets in the city with highest traffic volume carry around 20,000 vehicles per day.

Given the low traffic volume and our particular knowledge of the citywide needs and resources, we do not see an immediate need for improvements or conditions that we would consider to be high-priority from a safety, transportation or drainage perspective.

We understand that others do not necessarily share our opinion and we are more than willing to continue to share the type of dialogue that is inherently necessary in making decisions on prioritizing projects.

Sincerely,

  
Edward Ziemer  
Executive Director

  
Patrick Keepes, P.E.  
City Engineer